

EASTERN DISTRICT OF NEW YORK

-----X	:	
JENNIFER RODRIGUEZ, individually, and as the	:	
Natural mother and lawful guardian of PATRICK	:	
ALFORD, JR., an infant minor,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	<u>ORDER</u>
	:	10-CV-04661 (JG) (SMG)
THE ADMINISTRATION FOR CHILDREN’S	:	
SERVICES, THE CITY OF NEW YORK, ST.	:	
VINCENT’S SERVICES, INC., LIBRADA MORAN,	:	
STARRETT CITY, INC.,	:	
	:	
Defendants.	:	
-----X		

JOHN GLEESON, United States District Judge:

Jennifer Rodriguez brings this action on behalf of herself and her son, Patrick Alford, Jr., against the City of New York (“the City”), the Administration for Children’s Services (“ACS”), St. Vincent’s Services, Inc. (“St. Vincent’s”), Starrett City, Inc. (“Starrett City”), and Librada Moran. On behalf of both herself and her son, Rodriguez asserts claims pursuant to 42 U.S.C. § 1983 against the City and ACS. Rodriguez also asserts state law claims against the City and ACS on her own behalf. Finally, the complaint alleges state law claims against all defendants on behalf of Patrick. Four of the five defendants – the City, ACS, St. Vincent’s, and Starrett City – have moved to dismiss all claims asserted against them. Oral argument was heard on the motions on March 21, 2011.

For the reasons stated on the record at oral argument, the § 1983 claims asserted against the City are dismissed with prejudice. All claims asserted against ACS, including the § 1983 claims and the state law claims, are dismissed with prejudice. The state law claims asserted against Starrett City are dismissed with prejudice on the merits. The remaining state law

claims are dismissed without prejudice to replead should plaintiffs file an amended complaint asserting new federal claims. *See United Mine Workers of America v. Gibbs*, 383 U.S. 715, 725 (1966).

As stated at oral argument, on or before Friday, March 25, 2011, the City and ACS shall identify for plaintiffs the individual employees who were involved in the events giving rise to this action. Leave to amend the complaint was granted at oral argument. Any amended complaint shall be filed on or before Monday, April 25, 2011.

So ordered.

John Gleeson, U.S.D.J.

Dated: March 21, 2011
Brooklyn, New York